THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25624 of 2006

22.12.2006

Between:

Adigarla Govindu ..Petitioner

And

State of Andhra Pradesh. and others.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25624 of 2006

ORDER:

The petitioner's father late Gazzi Reddy is the owner of agricultural land situated at K.E.Chinnayyapalem Village, Kotanandur Mandal, East Godavari District. He filed declaration under Section 8 of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. The third respondent herein considered the same, being L.C.C.475/TNI/75, and passed orders on 20.06.1992, determining an extent of 0.2872 Standard Holdings, as ceiling surplus. Aggrieved by the same, as Gazzi Reddy passed away, the petitioner and his mother filed L.R.A.No.113 of 1992 on the file of the Court of the Land Reforms Appellate Tribunal-cum-Additional District Judge, Kakinada. While the appeal was pending, an extent of Acs.2.50 cents in survey No.101/4A and Acs.4.68 cents in survey No.178/2 was surrendered and possession was taken by the fourth respondent. Be that as it is, the L.R.A., was allowed on 26.07.1993 holding that the petitioner is a non-surplus holder. The Government then filed C.R.P.No.781 of 1998. The same was dismissed on 18.07.2003. The petitioner then approached the third respondent on 10.09.2003 seeking restoration of land, in vein. The petitioner's further representations purred futile. Therefore, he filed the present Writ Petition seeking a direction to respondents 2 and 3 to restore the land admeasuring Acs.7.18 cents immediately.

At the stage of admission itself, the fourth respondent filed a counter-affidavit. While admitting the petitioner's case, it is stated that the records were sent to the High Court, while C.R.P.No.781 of 1998 was pending. After disposal of the C.R.P., the High Court has sent the records to the Court of District Judge, East Godavari, and the record is not yet received by the third respondent. Therefore, redelivery proceedings should not be issued in favour of the petitioner. As there is no dispute about the right of the petitioner, to seek restoration/redelivery of the land surrendered, respondents 3 and 4 are given liberty to approach the learned District Judge and obtain delivery of the record pertaining to L.C.C./475/TNI/75 (L.R.A.No.113 of 1992) out of which, C.R.P.No.781 of 1998 arose. As and when respondents 3 and 4 approach the learned District Judge, the record will be handed

over immediately to enable respondents 3 and 4 to issue necessary redelivery proceedings in favour of the petitioner.

The Writ Petition, with the above observation, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

22.12.2006
GJ
Note: Dispatch a copy of this order to the
learned District Judge, Rajahmundry.